IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 9794
STRITTMATTER *et al.*	Art Unit: 1647
Appl. No.: 10/735,256	Examiner: NICHOLS, CHRISTOPHER J.
Filed: December 12, 2003	Atty. Docket: 2159.0420002/EJH/SAC
For: **Nogo Receptor Homologs**	

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated May 3, 2005, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-10 and 22. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse.

With respect to the Examiner's division of the claims into six groups and the reasons stated therefor, Applicants respectfully traverse. For example, Groups I and II are related as between a polypeptide (Group II), and a polynucleotide encoding that polypeptide (Group I). Groups II and III are related as between a polypeptide (Group II) and an antibody which specifically binds that polypeptide (Group III). Groups II and IV are related as between a polypeptide (Group II) and a method of treating a central nervous disease using the recited polypeptide (Group IV). Groups III and V are related as between an antibody (Group III) and a method of treating a central nervous system disease using the recited antibody (Group V). Groups II and VI are related as between a

polypeptide (Group II) and a method for identifying a molecule that binds the recited polypeptide (Group VI).

Even assuming, *arguendo*, that Groups I-VI represent distinct or independent inventions, Applicants submit that to search and examine the subject matter of these Groups together would not be a serious burden on the Examiner. For example, publications which disclose nucleic acids normally also disclose the amino acids encoded by the nucleic acids, thereby making it a simple matter for the Examiner to search and examine claimed polypeptides encoded by claimed nucleic acids. Furthermore publications which disclose polypeptides often disclose raising antibodies to such polypeptides and methods for identifying molecules that bind the polypeptides, thereby making it a simple matter for the Examiner to search and examine antibodies which bind to a given polypeptide and methods to identify molecules that bind to a given polypeptide. Finally, a search for publications that disclose the recited polypeptides and antibodies would lead the Examiner to references that disclose methods of using the recited polypeptides and antibodies for treating disease. Accordingly, it would not be an undue burden for the Examiner to search Groups I-VI together. The M.P.E.P. §803 (Eighth Edition, Rev. August, 2001) states:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Thus, in view of the M.P.E.P. §803, Applicants respectfully request that all claims be searched and examined in the subject application. Therefore, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

The Office Action also required an election of one sequence from SEQ ID NO:2, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:11, SEQ ID NO:14, SEQ ID NO:17, SEQ ID NO:18, and SEQ ID NO:19. Applicants hereby provisionally elect to prosecute the sequence of SEQ ID NO:2. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse.

With respect to the Examiner's requirement for an election of one sequence and the reasons stated therefor, Applicants respectfully traverse with respect to SEQ ID NOs:2, 4, 11, 14, 18, and 19. For example, SEQ ID NOs:11, 18, and 19 are consensus sequences of various domains of Nogo receptor (NgR), which are generic to the amino acid sequence of NgR2 (SEQ ID NO:2) and NgR3 (SEQ ID NOs:4 and 14). Furthermore, NgR2 (SEQ ID NO:2) and NgR3 (SEQ ID NOs:4 and 14) are related as they share a common structural motif characterized by a cysteine-rich region (LRRNT), leucine rich repeats (LRR), a second cysteine-rich region (LRRCT), a CTS domain, and a GPI domain.

Even assuming, *arguendo*, that SEQ ID NOs: 2, 4, 11, 14, 18, and 19 represent distinct or independent inventions, Applicants submit that to search and examine the subject matter of these sequences together would not be a serious burden on the Examiner. For example, given that SEQ ID NOs: 11, 18, and 19 are generic to SEQ ID NO:2, 4, and 14 and that SEQ ID NOs: 2, 4, and 14 share a common structural motif, publications which disclose SEQ ID NO:2 would also disclose the other sequences.

Accordingly, it would not be an undue burden for the Examiner to search these sequences together. The M.P.E.P. §803 (Eighth Edition, Rev. August, 2001) states:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Thus, in view of the M.P.E.P. §803, Applicants respectfully request that at least SEQ ID NOs: 2, 4, 11, 14, 18, and 19 be searched and examined in the subject application. Therefore, reconsideration and withdrawal of the Restriction Requirement, at least with regard to SEQ ID NOs:2, 4, 11, 14, 18, and 19, and consideration and allowance of all pending claims, are respectfully requested.

In paragraph twenty one of the Office Action, the Examiner notes that upon reaching allowable subject matter, rejoinder of sequences will be considered. Applicants respectfully suggest that the following sequences be considered for rejoinder: SEQ ID NO:4, SEQ ID NO:11, SEQ ID NO:14, SEQ ID NO:18, and SEQ ID NO:19. As indicated above and on page 137 of the specification, SEQ ID NOs:11, 18, and 19 are consensus sequences of various domains of Nogo receptor (NgR), which are generic to the amino acid sequence of NgR2 (SEQ ID NO:2) and NgR3 (SEQ ID NOs:4 and 14). Furthermore, as shown in Figure 3 of the specification, NgR2 and NgR3 share a common structural motif characterized by a cysteine-rich region (LRRNT), leucine rich repeats (LRR), a second cysteine-rich region (LRRCT), a CTS domain, and a GPI domain. Accordingly, given the related structural characteristics of these sequences, Applicants respectfully request that upon reaching allowable subject matter, that SEQ ID NO:4, SEQ ID NO:11, SEQ ID NO:14, SEQ ID NO:18, and SEQ ID NO:19 be rejoined and examined for patentability.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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